IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

Bail Appl..No. 246 of 2007()

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CMP.4289/2006 of J.M.F.C.,NILAMBUR
Crime No.20/06 of Pothukallu Police Station

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: PETITIONER/ACCUSED

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THAHA, S/O.ABDUL AZEEZ,
PATHIPULATHU HOUSE, NALLAMTHANNI, EDAKKARA AMSOM,
NILAMBUR TALUK.

BY ADV. SRI.K.ANAND

RESPONDENTS: STATE & COMPLAINANT

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1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSPECTOR,
POTHUKALLU POLICE STATION,
NILAMBUR, POTHUKALLU.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**V.Ramkumar, J.**

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**B.A.No. 246 of 2007**

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**Dated this the 22nd day of January, 2007.**

**ORDER**

Petitioner, who is the accused in Crime No.20 of 2006 of Pothukallu Police Station for offences punishable under Sections 376 and 377 I.P.C., seeks his enlargement on bail.

2. The occurrence took place on 20.11.2006 at about 3.30 p.m. when the accused is said to have committed rape as well as unnatural offence on a 17 year old and mentally retarded daughter of the de facto complainant. He was arrested on 3.12.2006 and ever since then, he has been in judicial custody.

2. The learned Public Prosecutor opposed the application submitting inter alia that the local public have turned against the petitioner whom they will not spare, if he is released on bail.

3. Having regard to the facts and circumstances of the case including the duration of the judicial custody of the petitioner, I am inclined to grant bail to the petitioner subject to certain conditions safeguarding the interest of the prosecution as well. Accordingly, the petitioner is directed to be released on bail on his executing a bond for

Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Nilambur and subject to the following conditions:

1. The petitioner shall report before the Circle Inspector of Police, Nilambur between 9 a.m. and 11 a.m. on all Wednesdays.
2. The Petitioner shall not enter the limits of Pothukallu Police Station until further orders.

3. The petitioner shall make himself available for interrogation as and when required by the Police till the filing of the final report.

3. The petitioner shall not influence or intimidate the prosecution witnesses including the victim nor shall he attempt to tamper with the evidence for the prosecution.

4. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

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